

HAMILTON COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 23, 2002 INDEX

The Hamilton County Board of Commissioners met on Monday, September 23, 2002 in the Commissioner's Courtroom in the Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session. President Clark called the public meeting to order at 1:00 pm. A quorum was declared present of Commissioner Sharon R. Clark, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

Executive Session Memoranda:

Dillinger motioned to approve the Executive Session Memoranda of September 23, 2002. Holt seconded. Motion carried unanimously.

Approval of Minutes:

Holt motioned to approve the minutes of September 9, 2002 and September 18, 2002. Dillinger seconded. Motion carried unanimously.

Plat Approvals (Tape 1, #95)

The Intracostal at Geist, Section 1:

The Lakes at Hayden Run:

Mr. Steve Broermann presented approval of the plats for The Intracostal at Geist, Section 1 and The Lakes at Hayden Run. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Village of West Clay Street Variance Request:

Mr. Jose Kreutz, 12821 E. New Market Street, stated Brenwick Development is requesting variances from the subdivision design guidelines for the west section of Village of West Clay. On November 23, 1998 we requested a number of variances that have to do with the roadway geometry with the Village of West Clay. Those variances take away the advantages that the automobile has and gives it to pedestrians. This only applied to the streets in the Village of West Clay. In the three years we have been open we have 196 families move in to the Village and the pedestrian amenities is a big reason that they do so. In addition to wider sidewalks and paths we also have a commercial area that is walkable and setbacks that place the homes closer to the streets and front porches on many of the homes. With the acceptance of the village concept by the public we went back to the Plan Commission to amend two areas to the Village of West Clay. These areas are primarily west of Towne Road and southeast of the intersection of Towne Road and 131st Street. We have amended the plan to do away with some of the typical designs and increased the number of village homes. We have done so not at the expense of density. The overall number of homes in the project remains the same. These variances necessitate we redesign some of the streets from the original plat. The City of Carmel and Carmel Plan Commission have approved the amendment unanimously. Mr. Broermann stated the highway department does not favor the variances, they are the same types of variances that were granted for other sections of The Village. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

186th Street & Eagletown Appeal: (Tape 1, #315)

Mr. Doug Elmore, representing the Church of Praise, stated the highway department has requested the widening of Eagletown Road and 186th Street across the portions of land the church owns, which is 15 acres on the corner. The request is to widen the road 3' plus and extra 3' shoulder and to level and wedge 186th Street. The church is requesting a waiver of this request. They are a non for profit group trying to expand from a landlocked facility and they do not have the funds to accomplish this. Their usage of the roads is during off peak times, the roads will experience no more traffic than it normally does. The church has 175 members, they do plan to grow in the new facility.

Mr. Steve Broermann stated 186th Street is currently a chip and seal road that is approximately 18'-19' wide. Eagletown Road has been converted to asphalt and it is still 12' wide. The request we have made is no different than any requests made of any new developments, churches or business. We have sent a second letter offering that if they would locate their entrance off of Eagletown Road and perform the widening of Eagletown Road that we would look for the improvements of 186th Street at a time of future development. The plan shows two entrances, one on 186th Street and the other on Eagletown. We would like to see the entrance off of Eagletown. In our letter it states we don't care where the entrance is, but whichever road the entrance is located on they would like the improvements done to that road. We don't feel that 186th Street would support the additional traffic that the church would generate due to it being chip and seal, which is why we requested the conversion to asphalt. We have also given the option to allow the entrance on Eagletown, with widening and soft shoulder done to Eagletown. Mr. Howard asked if right-of-way is being dedicated? Mr. Broermann stated yes. Dillinger asked what is the cost of the requested improvements? Mr. Broermann stated he does not know. Mr. Elmore stated they have no estimates. Mr. Elmore stated this is out in the middle of no where and the improvement of a 3' area is not going to improve the flow of traffic. If all of Eagletown Road was being widened from SR 32 up to the property, it would make more sense to improve the road to help improve the flow of traffic. The accel/decel lanes are in the budget and will be built, it is just the 3' widening. Mr. Elmore stated Westfield has granted an agreement that when other development begins to occur in the area we would put sidewalks in at that time. Holt asked if we said at such time as a contiguous landowner was required to expand their side of the road that the church would do it at the same time? It could run separate on Eagletown and 186th Street. Mr. Howard suggested a bond for enforcement issues. Holt motioned to delete the 3' pavement requirement at this point in time and in exchange for that request the church to pave the 3' at such time as the contiguous landowner is required to pave theirs on each road, implement highway's recommendation at such time the adjoining landowner is required to. Dillinger seconded. Motion carried unanimously.

Highway Business (Tape 1, #806)

Open Road Cut Permits:

Mr. Tom Stevens requested approval of Open Road Cut Permit, RDCUT 2002-048 - Centex Homes at 2656' west of the CL of Towne Road on the south side of 131st Street to supply water to Hayden Run Development. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Highway Department:

Mr. Stevens requested acceptance of Bonds and Letters of Credit: 1) HCHD #B-92-0052 - Fidelity and Deposit Company Continuation Certificate Bond No. 30359069 in behalf of The Snider Group in the sum of \$25,000 to now expire September 17, 2003. 2) HCHD #B-00-0038 - Continental Casualty Company Continuation Certificate Bond No. 007521582 issued on behalf of Harold Lawson dba Harolds Septic & Excavating in the sum of \$25,000 to now expire October 5, 2003. 3) HCHD #B-02-0096 - Gulf Insurance Company Subdivision Bond No. 821864677 issued on behalf of Interstate Holdings, LLC for Saxony Subdivision right-of-way entrances in the amount of \$68,010.50 to expire September 4, 2004. 4) HCHD #B-02-0098 - St. Paul Fire & Marine Insurance Company Performance Bond issued on behalf of Erber & Milligan Construction Company, Inc. in the amount of \$147,064.50 for replacement of Bridge No. 45, Six Points Road over Henley Creek, Clay Township, to expire August 12, 2004. 5) HCHD #B-02-0099 - Voided - Permit withdrawn and bond returned before acceptance. 6) HCHD #B-02-0100 - National Fire Insurance Company Permit Bond 92922448 issued on behalf of Flynn & Zinkan Holdings II, LLC in the sum of \$5,000 for tap pit and adjacent directional bore approximately 655' south of center line at the intersection of Olio Road and 116th Street, Fishers, to expire September 12, 2003. 7) HCHD #B-02-0101 - SAFECO Insurance Company Subdivision Bond No. 6179748 issued on behalf of Centex Homes in the sum of \$161,334 for stone base, hac binder, hac surface, concrete curbs, street and regulatory signs in Intracostal at Geist, Section 1 to expire September 5, 2004. 8) HCHD #B-02-0102 - SAFECO Insurance Company Subdivision Bond No. 6183728 issued on behalf of Centex Homes in the sum of \$10,000 for street cut at Hayden Run, Section 1 to expire September 11, 2004. 9) HCHD #B-02-0103 - St. Paul Fire and Marine Insurance Company Performance Bond issued on behalf of Schutt-Lookabill Company, Inc. in the sum of \$482,215.45 for replacement of Bridge #181, Promise Road over Sand Creek to expire August 26, 2004. 10) HCHD #B-02-0104 - St. Paul Fire and Marine Insurance Company Payment Bond issued on behalf of Schutt-Lookabill Co., Inc. in the sum of \$82,215.45 for replacement of Bridge #181, Promise Road over Sand Creek to expire August 26, 2004. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - Highway Department:

Mr. Stevens requested release of Bonds and Letters of Credit: 1) HCHD #L-99-0024 - Fifth Third Bank Letter of Credit #SB11798 for streets and curbs in Springs of Cambridge, Section 7, issued on behalf of the Marina Limited Partnership in the sum of \$15,526. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Agreements (Tape 1, #885)

Bridge #176 Supplemental Agreement No. 1:

Mr. Stevens requested approval of Supplemental Agreement No. 1, HCHD #E-01-0016, with USI Consultants, Inc. for Bridge #176, 136th Street over Mud Creek. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Towne Road Intersections Supplemental Agreement No. 5:

Mr. Stevens requested approval of a re-negotiated Supplemental Agreement No. 5, HCHD #E-98-0017, with Beam, Longest & Neff LLC for the Towne Road intersection at 96th Street. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Utility Agreements

Bridge #104 PSI Utility Agreement:

Mr. Stevens requested approval of Utility Agreement, HCHD #M-02-0048, for Bridge #104, E. 226th Street over Jones Ditch with PSI Energy. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Bridge #104 Verizon Utility Agreement:

Mr. Stevens requested approval of Utility Agreement, HCHD #M-02-0049, for Bridge #104, E. 226th Street over Jones Ditch with Verizon. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Subdivision Inspection Agreements

Windsor Grove Subdivision Inspection Agreement:

Mr. Stevens requested approval of Subdivision Inspection Agreements, HCHD #A-01-0008, for Windsor Grove Subdivision with Windsor Grove LLC (owner) and EDIS, Inc. (engineer) in the amount of \$8,000. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Long Branch Estates Subdivision Inspection Agreement:

Mr. Stevens requested approval of Subdivision Inspection Agreements, HCHD #A-02-0016, for Long Branch Estates Subdivision with Northside Investments, LLC (owner) and USI Consultants, Inc. (engineer) in the amount of \$10,000. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Brookstone Park Subdivision, Section 2 Subdivision Inspection Agreement:

Mr. Stevens requested approval of Subdivision Inspection Agreements, HCHD #A-02-0017, for Brookstone Park Subdivision, Section 2 with Brookstone Park of Carmel LLC (owner) and EDIS, Inc. (engineer) in the amount of \$10,000. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Concurrence with Traffic Study Correspondence (Tape 1, #1073)

Mr. Stevens requested approval of the list of correspondence concerning investigations of requests for signage on Hamilton County Roads. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Official Action

Cheswick Blvd. & Summer Hill:

Mr. Stevens requested approval of the Official Action to install regulatory signs on Cheswick Boulevard and Summer Hill. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Correspondence

Relinquishment of SR 238 and Construction of 146th Street:

Mr. Stevens presented a packet of information from the joint meeting of the City of Noblesville staff and Hamilton County Highway Staff regarding the relinquishment of SR 238 and construction of 146th Street. Mr. Stevens asked the Commissioners to let him know when they are ready to set another meeting with the City of Noblesville to discuss the issues.

Request to Advertise

Bridge #208 Habitat Replacement:

Mr. Stevens requested permission to advertise for the Habitat Replacement for Bridge #208, Field Drive over White River and signature of the Title Sheet for this project. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Bid Award

Highway Department Vehicles:

Mr. Stevens recommended the bid for the purchase of two (2) 4 X 4 Ford F-350 pick-ups be awarded to Tom Wood Ford for a total award of \$44,300 and for the purchase of two (2) 4-door Chevrolet Blazers for a total award of \$45,060. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Administrative Assistant (Tape 1, #1483)

Community Rating System Annual Re-Certification:

Mr. Fred Swift requested on behalf of Chuck Kiphart, Plan Commission, the President's signature on the Community Rating System Annual Re-Certification for flood insurance. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Precinct Changes:

Mr. Swift on behalf of Kathy Richardson requested approval of the changes of locations on some precincts for the November 5, 2002 election. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Employee Delinquent Property Taxes:

Holt motioned to direct the Auditor to send letters to the employees with delinquent property taxes with a deadline of November 1, 2002 for payment. No second. Motion dies. Dillinger motioned to direct Mr. Swift to draft a letter to the employees with the President's signature. Clark seconded. Motion carried unanimously.

Visitor & Convention Bureau Appointment:

Holt motioned to appoint Lisa Hanni to replace Fletcher Boyd on the Hamilton County Visitor & Convention Commission. Dillinger seconded. Motion carried unanimously.

Riverwalk Committee Appointment:

Dillinger motioned to re-appoint Steven Schwartz to the Riverwalk Committee. Holt seconded. Motion carried unanimously.

Attorney (Tape 1, #2063)

GPS Reference Network Agreement:

Mr. Howard requested approval of the Professional Services Agreement with Woolpert, LLP for the GPS Reference Network and an Interlocal Agreement with the City of Noblesville. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Surface Transportation Safety Summit:

Clark stated Mr. Locke has requested permission to organize, host and facilitate a Surface

Transportation Safety Summit with Hamilton County agencies in October 2002. The commissioners had no objection with Mr. Locke hosting the meeting.

Clark called a break at 2:00 pm. Clark called the meeting back to order at 2:15 pm.

Barrington Estates Sanitary Sewers: (Tape 1, #2330)

Mr. Allen Hucks, representing the developers of Barrington Estates, stated on August 26, 2002 we requested the commissioners pass a resolution that the area being developed by Barrington Estates be permitted to be included within the boundaries of the Fall Creek Regional Waste District. At that time Hamilton Southeastern Utilities opposed that motion and the commissioners granted 30 days for the parties to discuss the situation. Mr. Hucks stated he talked to counsel for Hamilton Southeastern Utilities on August 28th and he indicated he would work on an agreement and talk to the Town of Fishers. No agreement came from Hamilton Southeastern Utilities and Mr. Hucks contacted Mr. Seger on September 11, 2002 and requested the agreement. Mr. Seger indicated that an agreement had been prepared but they were doing an engineering study to determine the costs and he was unclear if Fishers would agree with the concept. It is our position that if Hamilton Southeastern Utilities can not provide economical service to this area that we should have the ability to provide sanitary sewers to the residents of this area. We believe it is in the best interest, for the health and well being of not only the residents of that area but also any of the residents that live along Fork Creek and any tributaries thereto in the event that we would have any problems these septic systems would fail. Barrington Estates has the ability to develop this area. The project has been proposed to be developed on well and septic because there was no possible way to develop it with public sewers. Events during the past few months have changed that situation and they can economically hook-on and provide sanitary sewers to this area. We feel it is in the best interest of all the citizens of Hamilton County and surrounding counties that this area be allowed to be developed with public sewers and we request the resolution previously prepared be approved.

Mr. Doug Church, representing the Town of Fishers, stated Fishers was unaware of the meeting regarding Barrington Estates until after the fact. We have found out that this is a subdivision that was platted for septic and well. The septic permits have been issued pursuant to a very stringent Hamilton County Health Department ordinance that requires not only adequacy for a single field, but a secondary field in event of the failure of the first field. We were unable to find out if there were any failures and there is no present health issue relating to the adequacy of the septic systems in place. For over 15 years Fishers has designed and built a sewage treatment plant in anticipation of a complete build out of Fall Creek and Delaware Townships. The design of a multi-million dollar sewage treatment system anticipated the development of areas where this particular subdivision is located at some point in the future. Sewers are extended in a somewhat organic fashion and development typically follows the implementation of sewers. The Town of Fishers opposes any effort to convey the ability to have a jurisdiction outside Hamilton County treat sewage. We have spent the money to size the treatment facility so that at some point in the future when sewers are available we can treat the sewage from this area. Allowing this jurisdiction outside of Hamilton County to treat is one of the building blocks that could lead to a request for a cross county annexation in the Fall Creek or Delaware Township. If that would occur that would be something that Fishers would oppose as being contrary to the plans that they have made to ultimately have some control of the development of those areas within Hamilton County. The Fishers resolution was adopted unanimously and Town of Fishers hopes

consideration is given to their position and deny the request.

Mr. Randy Seger, representing Hamilton Southeastern Utilities, stated immediately upon the meeting with the commissioners indicating they have 30 days, Hamilton Southeastern Utilities took the issue to the Town of Fishers. Hamilton Southeastern Utilities has put in lines in the areas and the effluent is treated by the Town of Fishers. We have a contract and had such a contract with the Town of Fishers since 1989. We are under contract that we can not take our waste and have it treated in another fashion without Fishers approval. Upon passage of the Fishers resolution indicating that they did not want Fall Creek or any other regional system treating affluent in this area to be collected he wrote a letter to Mr. Hucks including a copy of our agreement with the Town of Fishers and indicated that it is our understanding that the Town of Fishers did not want us to proceed along the lines of having them be our customer and then our taking the affluent to be treated across the county with Fall Creek. The utility has met with the developer and through preliminary engineering has given them estimates of what it would cost to run a line up to them to connect to the Fishers plant. We have drafted a normal extension agreement, which is on hold. Normally those agreements involve over sizing, possibly having other developers hook onto the line and they would pay subsequent connector fees. Hamilton Southeastern is waiting for the developer to decide if they want to proceed with this option.

(Tape 2, #326) Holt motioned to deny the request to allow Barrington Estates to hook on to Fall Creek Regional. Dillinger seconded. Mr. Hucks respectfully requested that if you are going to deny that you deny the resolution and not act upon it. He does not believe that the request does not have anything to do with service, it has to do with that particular territory in to the boundaries of the district. That is the only thing that we are requesting. It has nothing to do with service. Notwithstanding, just because we are in their territory they are going to have to provide service at this point in time. Mr. Howard stated he concurs with Mr. Hucks that is the nature of the petition. The petition is that Mr. Hucks is saying that the health, safety and welfare basically requires that a regional district outside of the boundaries of Hamilton County serve this land in the county. Holt motioned that we deny the request of Barrington Estates to be included in the service territory of Fall Creek Regional Waste as per Resolution 09-23-02-A. Dillinger seconded. Mr. Church clarified that the only act we are requesting is pass the resolution or not pass the resolution. If you deny to act upon the resolution would be more proper rather than getting into the substance of whether this area be included within the district or not. You are just denying to act upon our request of resolution. Mr. Howard stated the resolution states that you are applying that the third municipal utility is not adequately serving the area. Basically you are denying 09-23-02-A. Holt motioned to withdraw his motions. Dillinger seconded. Holt motioned to deny Resolution and Application for inclusion of land in the Fall Creek Regional Waste District 9-23-02-A. Dillinger seconded. Dillinger stated he met with Scott Faultless and he does not totally agree with what we are doing here. It makes more sense in the long run if you could have worked out a deal to allow these folks to tie into the other utility with an agreement of annexation when the appropriate time came and an agreement on switching the service back to Hamilton Southeastern Utilities at that time. That will allow this to be done in proper sewer fashion versus the septic which he believes will come back to haunt everybody. When Fishers does annex this and it is all on septic then who is going to pay for the system that goes in at that time? The way it was proposed the developers would have paid for that. Fisher's position is that they have a master plan and they want the growth to go a certain way, they feel like if we had granted this and it happened we would have received a lot more requests for it and their master

plan goes out the window. Dillinger stated he understands that position as well. Mr. Church stated no one had approached Fishers to annex this area. If the local approach would have been to approach Fishers the outcome may have been different. Dillinger stated after this had been brought to us, he researched it and from a practical standpoint, for them to work out an agreement, both with Fishers and Southeastern and get the utilities in there with an agreement with the Town that at the appropriate time they would not fight annexation and at that time the service would be switched to Southeastern Utilities. In the long run that would be the best for everyone. Mr. Joe Kunzer, Developer, stated he has documentation that these things were discussed in early June. He did not understand what Fishers had to do with this. His conversations have been with Hamilton Southeastern Utilities since late May. These things have been brought up. To the best of his knowledge he thought that is how it was going. To state that the rug got pulled out from he and his partners would be an understatement. He thought things were going well. Barrington Estates is a Noblesville address. He had no idea what Fishers had to do with this. He was working towards this type of a deal. Motion carried unanimously.

TEA 21 Grant for Port Authority: (Tape 2, #760)

Ms. Rhonda Klopfenstein, Hoosier Heritage Port Authority, stated Hamilton County was awarded the TEA 21 Grant. Ms. Klopfenstein thanked Hamilton County for sponsoring the grant application.

Commissioner Committee Reports (Tape 2, #882)

LEPC Exercise:

Clark stated she attended the annual LEPC exercise on Saturday regarding HAZMAT. It was well done.

Governor's Summit on Homeland Security:

Clark presented information on the Governor's Summit on Homeland Security on October 2, 2002. She will be unable to attend.

SEMA:

Clark stated she received a letter from SEMA regarding our request for ID badges. Holt suggested sending a letter back to SEMA stating that we don't think they addressed our request. Clark will work with Mr. Swift on a response letter.

Fairgrounds Study:

Holt reviewed the presentation by the Hamilton County Visitor's and Convention Bureau on their study of the Hamilton County Fairgrounds for Commissioner Dillinger. Another joint meeting has been set on October 23rd at 5:00 pm for discussion of the study. Clark stated she has requested a copy of the RFP. We will also receive a copy of the full report before October 23rd.

E-911 Committee:

Clark stated E-911 Committee is busy with Compus Com and have not had a chance to get to the 211 and 311 reverse calling. We will be working on it.

Newport PUD: (Tape 2, #1136)

Mr. Chuck Kiphart requested approval of Ordinance 9-23-02-B To Amend The Planned

Development Section of the Hamilton County Zoning Ordinance No. 3-19-90 Hamilton County, Indiana in regards to the Newport Property. This ordinance approval is subject to receiving dedication of right-of-way. Holt motioned to approve Ordinance 9-23-02-B subject to dedication of right-of-way. Dillinger seconded. Motion carried unanimously.

Auditor (Tape 2, #1288)

Prevail Contract - 2003:

Ms. Mills requested approval of the 2003 Prevail Contract. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Liability Trust Claim:

Ms. Mills requested approval of a Liability Trust Claim payable to Midwest Claims Service in the amount of \$1,675. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Treasurer's Monthly Report:

Ms. Mills requested approval of the County Treasurer's Monthly Report for December 2000. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Drainage Board:

Ms. Mills requested acceptance of Bonds and Letters of Credit for the Drainage Board: 1) HCDB-2002-00329 - Safeguard Insurance Company Subdivision Performance Bond No. 5001487 for Village of West Clay, Section 3004 Block C - storm sewers in the amount of \$20,184. 2) HCDB-2002-00330 - Safeguard Insurance Company Subdivision Performance Bond No. 5001488 for Village of West Clay, Section 3004 Block C - erosion control in the amount of \$5,250. 3) HCHD-2002-00335 - Safeco Insurance Company of America Subdivision Bond No. 6179731 for The Intracoastal at Geist Section 1 - storm sewers in the amount of \$187,451.70. 4) HCDB-2002-00336 - Safeco Insurance Company of America Subdivision Bond No. 6179732 for The Intracostal at Geist Section 1 - erosion control in the amount of \$25,577.10. 5) HCDB-2002-00337 - Safeco Insurance Company of America Subdivision Bond No. 6179733 for The Intracostal at Geist Section 1 - monuments and markers in the amount of \$3,450. 6) HCDB-2002-00339 - First Merchants Bank Irrevocable Standby Letter of Credit No. FMB-1361 for Brooks Landing Section 2 - storm sewer in the amount of \$40,000. 6) HCDB-2002-00340 - First Merchants Bank Irrevocable Standby Letter of Credit No. FMB-1365 for Brooks Landing Section 2 - erosion control and seeding in the amount of \$2,500. 7) HCDB-2002-00341 - First Merchants Bank Irrevocable Standby Letter of Credit No. FMB-1364 for Brooks Landing Section 2 - monuments in the amount of \$1,500. 8) HCDB-2002-00342 - Gulf Insurance Company Subdivision Bond No. B21864641 for Long Branch Estates Section 2 - storm sewers, subsurface drain, erosion control and monument in the amount of \$182,200. 9) HCDB-2002-00344 - Union Planters Bank Irrevocable Standby Letter of Credit No. LO25528 for Sedgwick - erosion control in the amount of \$35,945.25. 10) HCDB-2002-00345 - Union Planters Bank Irrevocable Standby Letter of Credit No. LO25530 for Sedgwick - storm sewers in the amount of \$111,808.95. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - Drainage Board:

Ms. Mills requested release of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-B01-003 - Fidelity and Guaranty Insurance Company Performance Bond No. 400SE0185 for the

proposed extension of the Windjammer Drain in Windemere Section 4 - \$7,511.20. 2) HCDB-B01-003A - Fidelity and Guaranty Insurance Company Payment Bond No. 400SE0185 for the proposed extension of the Windjammer Drain in Windemere Section 4 - \$7,511.20. 3) HCDB-B00-042 - Developers Surety and Indemnity Company Performance Bond No. 886067S for The Estates of West Clay storm sewers and subsurface drain - \$122,000. 4) HCDB-B00-043 - Developers Surety and Indemnity Company Performance Bond No. 886068S for The Estates of West Clay erosion control - \$20,000. 5) HCDB-L99029 - Fifth Third Bank Irrevocable Standby Letter of Credit No. SB11849 for Springs of Cambridge Section 8 erosion control - \$20,000. 6) HCDB-L99030 - Fifth Third Bank Irrevocable Standby Letter of Credit No. SB11851 for Springs of Cambridge Section 8 storm sewers and SSD - \$67,315. 7) HCDB-L99031 - Fifth Third Bank Irrevocable Standby Letter of Credit No. SB11852 for Springs of Cambridge Section 8 monumentation - \$5,000. 8) HCDB-B00-021 - ITC Acceptance Company Subdivision Bond No. 002606 for Pebblebrook Section 8 subsurface drain, storm sewer and erosion control - \$38,200. 9) HCDB-L00-025 - Provident Bank Irrevocable Standby Letter of Credit No. S0084345 for the reconstruction of the R.J. Craig Drain in association with the Target site in Fishers - \$173,297. 10) HCDB-L980004 - NBD Bank Irrevocable Standby Letter of Credit No. 82000940 for Cheswick Sections 3&4 - erosion control - \$30,000. 11) HCDB-L980005 - NBD Bank Irrevocable Standby Letter of Credit No. 82000941 for Cheswick Sections 3&4 - monumentation - \$2,700. 12) HCDB-L980006 - NBD Bank Irrevocable Standby Letter of Credit No. 82000942 for Cheswick Sections 3&4 - storm sewers and SSD - \$160,390. 13) HCDB-L99001 - First National Bank and Trust Irrevocable Standby Letter of Credit No. 2256 for Brooks Landing Section 1 - erosion control, sewer line backwash (jetting) and monuments - \$41,600. 14) HCDB-L99026 - Fifth Third Bank Irrevocable Standby Letter of Credit No. SB11804 for Calumet Farms - erosion control, storm sewers, subsurface drain and monuments - \$128,300. 15) HCDB-B01-001 - Developers Surety and Indemnity Company Subdivision Improvements Performance Bond No. 885452S for Brookstone Park Section 1 - storm sewer - \$123,163.62. 16) HCDB-B01-002 - Developers Surety and Indemnity Company Subdivision Improvements Performance Bond No. 885602S for Brookstone Park Section 1 - monumentation - \$9,500. 17) HCDB-L00-002 - Fifth Third Bank Irrevocable Standby Letter of Credit No. SB12056 for Treesdale - storm sewers and subsurface drainage - \$140,500 (This is a copy of the original being submitted for release. The original was returned to Fifth Third Bank by the Drainage Board Attorney). 18) HCDB-L00-003 - Fifth Third Bank Irrevocable Standby Letter of Credit No. SB12058 for Treesdale - erosion control - \$42,820. 19) HCDB-L00-005 - Fifth Third Bank Irrevocable Standby Letter of Credit No. SB12106 for Treesdale monumentation - \$1,250. 20) HCDB-B01-021 - Developers Surety and Indemnity Company Subdivision Improvements Performance Bond No. 886579S for High Grove Section 2 - storm sewer and subsurface drain - \$38,285. 21) HCDB-B01-022 - Developers Surety and Indemnity Company Subdivision Improvements Performance Bond No. 886580S for High Grove Section 2 - erosion control - \$11,951. 22) HCDB-B01-020 - Fidelity and Deposit Company of Maryland Performance Bond No. 08505135 for The Village of West Clay Sec. 5006 - erosion control and monumentation - \$66,375. 23) HCDB-B01-023 - Fidelity and Deposit Company of Maryland Performance Bond No. 08505147 for The Village of West Clay, Section 3001A, Block J - monumentation, erosion control and storm sewer - \$33,592. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Vendor Claims:

Ms. Mills requested approval of Vendor Claims to be paid September 24, 2002. Holt motioned to

approve. Dillinger seconded. Motion carried unanimously.

Payroll Claims:

Ms. Mills requested approval of Payroll Claims for the period of August 31-September 14, 2002 to be paid September 27, 2002. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Clerk of the Circuit Court Monthly Report:

Ms. Mills requested approval of the Clerk of the Circuit Court's Monthly Report for August 2002. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Clark called a break at 2:50 pm. Clark called the meeting back to order at 3:08 pm.

Noblesville Corporate Campus East: (Tape 2, #1560)

Mr. Kevin Jump, City of Noblesville Engineer, stated the City of Noblesville is seeking permission to proceed forward for allowing for an additional drive access point on SR 238 or the future 146th Street. Mr. Jump presented an overview of the Corporate Campus East project. Mr. Jim Snyder, President of Noblesville City Council, stated this is a quite an undertaking to rezone 3200 acres from agriculture to commercial. This was important to Noblesville to do this because we had no industrial or commercial space available. We have been fortunate to have unanimity with the mayor and council members. We have also found a developer to commit to a huge investment. It is vital for this project to get approval of this project so we can move ahead. Dillinger stated we received a packet from the highway department regarding this issue. Dillinger motioned to allow that road cut through a statement of understanding with the City of Noblesville to allow them to proceed. We can address the other issues at a later date. Holt seconded. Mr. Stevens stated a prime concern regarding this project is that it is identified on the Comprehensive Thoroughfare Plan as a primary arterial roadway. It needs to be constructed so it serves that it will serve that purpose. There are several options, all of which allow for the inclusion of that intersection discussed today. The motion as stated today is in order and the highway department can support that. There are a lot of conditions and options on how that is done and what other future considerations should be given to it. Each of the options in the report does have that intersection included. There are still several issues to be discussed. Clark stated she is not comfortable and can not vote for this. She is afraid she has not heard sufficient explanation. The only thing she could support would be some kind of overpass. She fought valiantly at 146th Street and US 31 not to have Greyhound Pass when that shopping center went in. That became one of the most dangerous places in the county. She wanted the bridge to go in to facilitate 146th Street and it boggles her mind that we are taking this through this shopping center without more ability to go through it. Mr. Jump stated there is a misconception that this is a shopping center. There are mixed uses in this development. There are warehousing, Class A office space, and limited retail component. Dillinger stated that is going to be inside the Noblesville corporate limits. Clark stated she heard someone say 146th Street would remain the county's jurisdiction. Dillinger stated that is yet to be determined. As we have done in all other cases, when we have a city corporation come in and say they are going to annex and this is the way they would like it, why would we fight that? Clark stated she thinks Village Park was a mistake when it was built without proper traffic control and traffic access. Mr. Stevens stated we have talked a lot about Castleton and no one wants that type of situation. Clark stated the county did it at 146th Street. Dillinger and Holt approved. Clark opposed. Motion carries.

Corporate Campus East Interlocal Agreement:
Mr. Howard requested approval of the Interlocal Agreement between the City of Noblesville and Hamilton County, Indiana Concerning The Noblesville Corporate Campus East Economic Development Project. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Poor Relief Appeal - April Parker: (Tape 3, #577)

Ms. April Parker, 600 S. Indiana St. Lot 4, Atlanta, stated she did not want to appeal Mr. Hiatt's decision, she just wants an explanation as to why he denied her poor relief request. Mr. Duane Hiatt stated he denied the request on the grounds of her voluntarily leaving her job. In 1 ½ years she has had four (4) jobs, she has been terminated on three (3) jobs for absenteeism. Her boyfriend has applied for disability. He did look into what he could do for her boyfriend. He applied on March 20th and the papers were not sent back in until April 26th. At this time there is no information on his disability. FEMA did run out of money, a trustee can not run out of money, they have to borrow if they run short. He could not recommend her to FEMA because they can only pay one (1) month and she was behind two (2) months. When they pay it they have to pay it up to date. You also have to show you can pay the next month and because she had no income coming in he could not recommend them to her. Mr. Hiatt stated he has to consider Ms. Parker and her boyfriend as one household and any violation of that household is a violation of the Trustee Guidelines. Just her alone was enough to turn her down. Dillinger asked because she voluntarily left her that position? Mr. Hiatt stated yes. Holt asked if under the guidelines if someone voluntarily terminates a job, for how long does that make them ineligible? Mr. Hiatt stated 60 days or if they are fired it is also 60 days. Holt motioned to deny the appeal. Dillinger seconded. Motion carried unanimously. Ms. Parker stated she thought the date was April 4th. She did not know anything about the 60 days. Dillinger stated it was denied because it has been less than 60 days since you voluntarily left your job. Your household is a unit, even if your boyfriend applied now, Mr. Hiatt would have to turn it down until after the 60 days. Clark stated that would be October 2nd.

Holt motioned to adjourn. Dillinger seconded. Motion carried unanimously.

Commissioners Correspondence

Baker, Donelson, Bearman & Caldwell Letter from Robin M. Mills

IDEM Notice of Sewer Permit Applications:

O'Brien Parcel, Section One - Fishers

Aberdeen Bend Subdivision - Hamilton County

South Park 2 - Westfield

Cottonwood Creek at Gray Eagle, Sections 2&3 - Fishers

IDEM Notice of Appeal Rights:

Ashwood, Section 3&4 - Fishers

Williams Ridge Estates - Carmel

The Highlands at Stony Creek, Section 3A - Noblesville

Stoney Creek Estates, Section 3 Woods Edge - Noblesville

Village of West Clay, Section DPO1-B - Carmel

Watersedge Condominiums - Fishers
Countryside, Section 9 - Westfield

Certificate of Insurance:
Moore Engineers, P.C.

Present

Sharon R. Clark, Commissioner
Jose Kruetz, Brenwick
Steven C. Dillinger, Commissioner
Randy Seger, Bingham McHale LLP
Steven A. Holt, Commissioner
Kendall W. Cochran, HSE Utilities
Robin M. Mills, Auditor
Doug Church, Fishers Attorney
Fred Swift, Administrative Assistant to Commissioners
Joe Kunzer, Cole Developers
Michael A. Howard, Attorney
Alan M. Hux, Barrington Estates
Wayne A. Farley, Deputy Sheriff
Ted McMullen, Cole Developers
Kim Rauch, Executive Secretary to Auditor
Diana Lamirand, Ledger
Tom Stevens, Highway Director
Rhonda Klopfenstein, Port Authority
Patricia Ogden, Highway Public Service Representative
Chris Hamm, City of Noblesville
Virginia Hughes, Administrative Assistant to Highway Engineer
Kevin Jump, City of Noblesville
Jim Neal, Highway Project Engineer
Kerry Monday, Newport Rezone
Robert Chadwell, Highway Inspector
Chuck Kiphart, Plan Commission
Steve Broermann, Highway Technical Engineer
Jack Martin, City of Noblesville
Christopher Burt, Highway Staff Engineer
Rex Dillinger, City of Noblesville
Tim Knapp, Highway Right-of-Way Specialist
Jim Snyder, City of Noblesville
Joel Thurman, Transportation Development Engineer
Dale Snelling, City of Noblesville
Matt Knight, Highway Staff Engineer
Duane Hiatt, Jackson Township Trustee
Mike McBride, Small Structure Staff Engineer
April Parker, Poor Relief Appeal

Doug Elmore, 186th Street & Eagletown Road
David Robinson, 186th Street & Eagletown Road
Denny Neidigh
Rachel Strock, Snider Engineering

APPROVED

HAMILTON COUNTY BOARD OF COMMISSIONERS

HAMILTON COUNTY BOARD OF COMMISSIONERS

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